



Paper No. 5

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In re Application of :
Alagar et al. :
Application No. 10/045,955 : DECISION GRANTING PETITION
Filed: November 6, 2001 :
Attorney Docket No.014940-001910US :

OFFICE OF PETITIONS

This is a decision on the petition filed May 31, 2002, requesting that Figures 42 and 43 described in the specification be accorded a filing date of November 6, 2001, as part of the original disclosure.

On November 6, 2001, applicants filed the above-identified application. On April 4, 2002, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application" (Notice), stating that the application had been accorded a filing date of November 6, 2001, and requiring applicants to submit the statutory basic filing fee, additional claim fees, an executed oath or declaration, a surcharge, and substitute drawings in compliance with 37 CFR 1.84. Additionally, the Notice advised applicants that Figures 42 and 43 described in the specification appeared to have been omitted.

In response, on May 31, 2002, applicants filed, inter alia, the present petition, a copy of one (1) sheet of drawings, containing Figures 42 and 43, the petition fee, and substitute drawings. The petition was accompanied by a copy of applicants' postcard receipt acknowledging receipt of 38 sheets of drawings on November 6, 2001.

In the present petition, applicants requested that the application, including Figure 42 and 43, be accorded a filing date of November 6, 2001, and the petition fee be refunded.

Upon review of the record, Figures 42 and 43, deposited on November 6, 2001, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 6, 2001, included Figures 42 and 43, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figures 42 and 43, was complete on filing and entitled to a filing date of November 6, 2001.

Accordingly, the petition is granted.

The requirement for the omitted items was sent in error and is hereby vacated. Accordingly, the petition fee is unnecessary and will be credited to Deposit Account No. 20-1430.

The application file is being forwarded to the Office of Initial Patent Examination for review of the substitute drawings and for further processing with a filing date of November 6, 2001, using the substitute drawings submitted on May 31, 2002.

Any inquiries related to this decision should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589.

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